IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 8765 of 2004
with
CRIMINAL MISC.APPLICATION No 8766 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE C.K.BUCH

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RAMPRATAP RAMSWAROOP SINGH

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Misc.Application No. 8765 of 2004
MR HN JHALA for Petitioner No. 1
MR AY KOGJE, LD. APP for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE C.K.BUCH

Date of decision: 28/10/2004

COMMON ORAL JUDGMENT

Heard Mr.H.N. Zala, learned counsel appearing for the petitioners and Mr.A.Y. Kogje, ld.APP, appearing on behalf of the respondent-State. Mr.M.A. Pagi, Police Inspector who is in-charge of the investigation at present, is present.

2. The anxiety of the ld. APP expressed before the Court is that the Investigating Agency is interested in one original document which is in custody of one of the petitioners-accused i.e.Dr.Rikeshkumar Chhaganlal Champaneria, petitioner of Misc. Criminal Application No.8766 of 2004; otherwise at present the Investigating Agency is not interested in inflicting arrest of any of the petitioners-accused; and the Investigating Officer would like to interrogate them. The petitioners-accused should be directed to cooperate with the investigation. It is stated by Mr.A.Y.Kogje that none of the petitioners apprehends that they will be time and again called and their time will be a sheer waste.

3. In response to this submission, Mr.Zala states that the petitioners have no objection in handing over the said document i.e. receipt passed by the Head Constable while handing over the dead bodies. According to Mr.Zala, this document is a precious document for the doctors, if the investigation takes a wrong shape. So the petitioners, keeping photocopies/xerox copies of this document, can hand over the same to the Investigating Officer, so that the Investigating Officer can use this document for appropriate purpose. The petitioners agree to go before the Investigating Officer on 4th November, 2004 at any time between 09-00 a.m. to 11-00 a.m. for handing over the document for interrogation and the petitioners shall also cooperate with the Investigating Officer, if they are called again on any subsequent date.

4. In view of the above, Mr.Zala does not press this petition at this stage but he simultaneously prays that the petitioners being responsible officers of the Government and entrusted with some important work concerning to public, they may not be subjected to arrest suddenly. Hence, the Investigating Officer is hereby directed that if the Investigating Officer decides at the end of further investigating that any of the petitioners is required to be arrested, then the concerned petitioner shall be informed in advance before 10 (Ten) clear days of inflicting arrest, so that the petitioners can take appropriate steps and pray for appropriate relief before the Competent Court.

5. Mr.Zala, learned counsel appearing for the

petitioners, is permitted to withdraw both these petitions.

In view of the above observations and directions, both these petitions are hereby disposed of as withdrawn. The interim protection granted earlier stands modified as per the above observations.

Direct Service is permitted.

(C.K. Buch, J)

Aakar